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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,369	12/10/2004	Francis Pinault	Q84992	3960
23373	7590	02/28/2008	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			NICKERSON, JEFFREY L	
			ART UNIT	PAPER NUMBER
			2142	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/517,369	PINault ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	JEFFREY NICKERSON	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 January 2008.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-22 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/ are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 25 January 2008.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This communication is in response to Application No. 10/517,369 filed nationally on 10 December 2004 and internationally on 13 June 2003. The amendment presented on 25 January 2008, which provides change to the abstract and specification, is hereby acknowledged. Claims 1-22 have been examined.

#### ***Specification***

2. The amendment presented on 25 January 2008 which provides change to the abstract and specification is noted. All prior objections to the specification are hereby withdrawn.

#### ***Response to Arguments***

3. Applicant's arguments filed 25 January 2008 have been fully considered but they are not persuasive.

Applicant argues that claims 1 and 12 contain limitations not taught by the reference, Mani (US 2002/0188725 A1).

Specifically, applicant argues that Mani does not teach the following: **enabling a terminal to set up a connection with said server on the first channel during a voice connection on said channel, so as to make at least some of said services offered by said second network available to said terminal during said voice**

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**connection.** Applicant further explains the “voice connection” used in the claim language refers to an “exchange of voice data”, as supported in the specification. Applicant further argues that the voice recognition feature of the Mani reference merely supports voice communication from the human user to a server and is therefore not an exchange of voice data.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., exchange of voice data between two human users) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Mani does teach that the user may be actively interrogated (prompted for input) for an audio response, and that active interrogations may be instructed via an audio system. (Mani: [0041]) This would qualify as a voice connection, as both sender and receiver are “exchanging” voice data. Furthermore, voice connections should not be disqualified merely because the connection is human-to-computer, as common voicemail servers provide voice connections via human-to-computer interactions. Mani further teaches that the interrogation process may be facilitated by a human security operator (Mani: [0010] and [0044]), which would allow for manual interrogation of the user (Mani: [0044]).

Applicant further argues that network resource access must be shut down in the Mani reference while a user is being re-interrogated, and therefore the following limitation is not taught by Mani: **“services offered by a second network available**

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**during said voice connection".** The examiner respectfully disagrees and would like to point to supporting rationale found in the Mani reference. Firstly, there is no specific instance in the Mani reference that explicitly states access is revoked or halted while re-interrogation occurs; the applicant has come to this conclusion themselves. In fact, Mani teaches that interrogations can be performed passively (that is, without active user input) by automatically capturing data (Mani: [0041]) and that some interrogations may be optional (Mani: [0049]). This provides for maintaining access to resources while the user is being re-interrogated without their knowledge. It is further evidenced when Mani discloses that varying security levels may exist (Mani: [0050]) which require varying authentication techniques, which provides that the user would not necessarily be locked out of lower level services while being interrogated for higher level services. Therefore, Mani provides that services can be made available during a voice connection and the rejections are maintained.

Applicant argues claims 2-11 and 13-22 conditionally on the parent claims' 1 and 12 arguments. Therefore, the rejections regarding claims 2-11 and 13-22 are maintained.

***Claim Rejections - 35 USC § 102***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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5. Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Mani (US 2002/0188725 A1).

The applied reference has a common assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claim 1, Mani teaches a communication server (Mani: Figure 4, 418; Multimedia softswitch) for making services (Mani: third party applications, services) offered by a private second communication network (Mani: Figure 5, item 506) available to terminals (Mani: Figure 5, item 516; multimedia devices, terminals) connected to a first communication network (Mani: Figure 5, item 502: PSN/CSN, public telecommunications network)

and able to exchange signaling data on a first transmission channel (Mani: Figure 2, item 204; [0021] specifies the use of SIP and SS7) and voice data on a second transmission channel (Mani: Figure 2, item 206) simultaneously in accordance with the selected protocol (Mani: [0023] specify the use of various voice and audio related protocols such as RTP)

which server is characterized in that it comprises control means (Mani: Figure 3, items 302 and 306; call/connection session control engine in combination with access

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engine) adapted to send to a terminal connected to the first network, (Mani: Figure 5, item 516 connected to item 502),

on said first channel and as a function of a selected criterion (Mani: abstract specifies indication from user), configuration data to enable said terminal to set up a connection with said server on the first channel (Mani: [0021] specifies that SIP and SS7 can be used as session control protocols, which inherently setup connections) during a voice connection on said second channel (Mani: abstract specifies an access service application running; [0026] specifies that the access application could include voice recognition technology; [0041] specifies further that the access application could use audio or video capture from the terminal),

so as to make at least some of said services offered by said second network (Mani: abstract specifies eventually accessing controlled services) available to said terminal during said voice connection. (Mani: [0044] specifies that further access interrogation, and thus a voice connection, may occur during the accessing of a service; See also [0010], [0041], [0044], [0049], [0050] and arguments above)

Regarding claim 2, Mani teaches wherein the control means are adapted to send configuration data to a terminal when said terminal has set up a connection with said server (Mani: [0021] specifies that SIP and SS7 can be used as session control protocols, which inherently setup connections) using a selected primary identifier, setting up said connection constituting said selected criterion. (Mani: [0012] specifies

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collecting one or more multimedia responses in order to verify the user and allow access to the network resource)

Regarding claim 3, Mani teaches wherein said control means are adapted to effect an identification procedure before sending said configuration data. (Mani: [0012] specifies access is granted to the service only if the user is verified)

Regarding claim 4, Mani teaches wherein the server comprises

a memory (database) in which secondary identifiers are stored (Mani: [0012] specifies a user access profile; [0010] indicates the access profile can hold more than one identifier to verify against)

and in that said control means are adapted to send to said terminal identification data which (Mani: abstract specifies invoking an access service application), once installed in said terminal, enables the automatic sending to said server (Mani: [0049] specifies that interrogation can occur without user interaction)

of at least one secondary identifier stored in a memory of said terminal (Mani: [0012] specifies more than one multimedia response used for verification)

and then to compare the received secondary identifier with identifiers stored in said memory and then to send said configuration data to said terminal if the identifiers are identical. (Mani: [0012] specifies allowing access only after one or more identifiers are verified against the database that contains user profiles)

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Regarding claim 5, Mani teaches wherein said control means are adapted to send security data (interrogation) to the terminal after said configuration data. (Mani: [0044] specifies that interrogations can occur after the network resource is being accessed)

Regarding claim 6, Mani teaches wherein the said secondary identifier represents the user of said terminal. (Mani: [0012] specifies live picture IDs and speech samples)

Regarding claim 7, Mani teaches wherein the said configuration data and/or said identification data constitutes a script or an applet. (Mani: abstract specifies the identification data is interrogated and processed with an access service application)

Regarding claim 8, Mani teaches wherein said configuration data is adapted, in the event of activation by the user of the terminal, (Mani: abstract specifies the user indicates)

to prompt (interrogate) said user to provide at least one tertiary identifier and to send a registration request (access attempt) containing at least said tertiary identifier to said control means (Mani: [0039] specifies different types of authentication techniques) on the first channel, (Mani: [0035] specifies that SS7 capabilities are used, which inherently pass data along the signaling channel, such as an IMSI)

in that said memory stores said primary identifiers in corresponding relationship to at least one tertiary identifier, and in that said control means are adapted, on the receipt of a registration request, to send to said configuration data a request for the

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transmission of at least one primary identifier associated with said terminal, and then, on reception of said primary identifier, to compare the primary identifier and the tertiary identifier previously received to the identifiers stored in said memory in order to authorize or refuse said registration as a function of the result of this comparison.

(Mani: [0037]-[0042] specify a database cluster that holds profile information with multiple identifiers and the possibility of cascading interrogation to receive multiple levels of authentication, where the database server could be available to both the private and public networks and the interrogation responses are verified against the user access profiles)

Regarding claim 9, Mani teaches wherein

    said configuration data is adapted, in the event of reception of a call request message (access attempt) from the first network by said terminal (Mani: Figure 6A, item 602 specifies the user attempting to access a network resource)

    to extract certain information from said message and to send that information to said control means via said first channel, (Mani: [0040] specifies that the access engine is launched; [0029] specifies multiple applications may require authentication and using SS7 platforms; This implies that the control and access engine have to extract and identify which service is trying to be accessed from the access attempt)

    and in that said control means are adapted, on receipt of said information, to process it as a function of its content and then send to said terminal on said first channel a message selected as a function of the processing applied and the information

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received. (Mani: [0030] and [0041] specifies setting up the connection to return a message that interrogates the user; [0042] specifies multiple interrogation schemes may be performed as a function of which service is being accessed)

Regarding claim 10, Mani teaches wherein

    said configuration data is adapted, after the terminal has been registered (allowed access) and in the event of an attempt by said terminal to call (access attempt) a remote terminal (network resource) (Mani: [0010] specifies users having user access profiles implying they're registered; [0042] specifies that multiple layers of interrogation for access requests may be employed, implying an access request for a higher level security network resource could occur even once a user is allowed access to a lower level of security)

    to inhibit access to the first network and to send information including at least the primary identifier of the remote terminal to said control means on said first channel, (Mani: [0047] specifies that the access control can be utilized to grant access to the public network)

    and in that said control means are adapted, on receipt of said information, to process it as a function of its content (Mani: [0042] specifies multiple interrogation schemes may be performed as a function of which service is being accessed)

    and then to send to said terminal on said first channel a message selected as a function of the processing applied and the information received and comprising at least one call authorization or prohibition (Mani: [0042] specifies multiple interrogation request

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sequences that require authorization for each response, implying the user is notified if there is an incorrect response)

and information to be displayed on the screen of said terminal (Mani: [0008] specifies the user terminal is a multimedia appliance; [0020] specifies multiple possibilities of multimedia, such as presentation of text)

so that on reception of said message said configuration data either removes the inhibition on access to the first network with a view to setting up the call or prohibits the call. (Mani: [0042] specifies that once the interrogation sequence is completed successfully it grants access to the user otherwise it does not)

Regarding claim 11, this server claim comprises limitations substantially similar to that of claim 9 and the same rationale of rejection is used, where applicable. And wherein said control means are adapted to process the information received from said terminal after registering the terminal. (Mani: [0044] specifies that additional interrogation and processing of those interrogations may occur after the original access is granted)

Regarding claim 12, this method claim comprises limitations substantially similar to that of claim 1 and the same rationale of rejection is used, where applicable.

Regarding claim 13, this method claim comprises limitations corresponding to that of claim 2 and the same rationale of rejection is used, where applicable.

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Regarding claim 14, this method claim comprises limitations corresponding to that of claim 3 and the same rationale of rejection is used, where applicable.

Regarding claim 15, this method claim comprises limitations corresponding to that of claim 4 and the same rationale of rejection is used, where applicable.

Regarding claim 16, this method claim comprises limitations corresponding to that of claim 5 and the same rationale of rejection is used, where applicable.

Regarding claim 17, this method claim comprises limitations corresponding to that of claim 6 and the same rationale of rejection is used, where applicable.

Regarding claim 18, this method claim comprises limitations corresponding to that of claim 7 and the same rationale of rejection is used, where applicable.

Regarding claim 19, this method claim comprises limitations corresponding to that of claim 8 and the same rationale of rejection is used, where applicable.

Regarding claim 20, this method claim comprises limitations corresponding to that of claim 9 and the same rationale of rejection is used, where applicable.

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Regarding claim 21, this method claim comprises limitations corresponding to that of claim 10 and the same rationale of rejection is used, where applicable.

Regarding claim 22, this method claim comprises limitations corresponding to that of claim 11 and the same rationale of rejection is used, where applicable.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY NICKERSON whose telephone number is (571)270-3631. The examiner can normally be reached on M-Th, 8:30-6:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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